

REMARKS

Summary of Office Action

Claims 1-56 were pending in this application.

Claims 22 and 23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1-26 and 29-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue et al., United States Patent No. 6,185,360 (hereinafter "Inoue").

Claims 27-28 and 55-56 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Inoue.

Summary of Applicants' Response to the Office Action

Claims 3-4, 8-9, 18-23, 31-32, 36-37 and 46-51 have been canceled. Claims 1-2, 5-7, 10-11, 24-25, 29-30, 33-35, 38-39 and 52-53 are amended. Claims 57 and 58 have been added. The amended and new claims are fully supported and justified by the originally filed specification.

The rejections of the claims are respectfully traversed.

Summary of Applicants' Currently Pending Claims

Independent claims 1 and 29 are directed to reducing cut-offs for programs that are to be recorded on user equipment. An indication is received from a user to select a program to record. Predicted time change information associated with the program is determined where the predicted time change information is based on previous programs. Predicted time change information may be, for example, the time delay for the program to begin or the amount of time to extend the recording of the program. See,

e.g., applicants' specification, page 24, lines 3-19 and page 27, lines 12-25. The predicted time change information may be determined by, for example, using a log of time changes for previous programs related to the selected program or by using statistical analysis based on variations in air time by program type. See, e.g., applicants' specification, page 32, line 32 to page 33, line 30. The program is recorded to compensate for a time change based on the predicted time change information.

Further patentable features and embodiments are set forth in dependent claims 2, 5-7, 10-17, 24-28, 30, 33-35, 38-45 and 52-58.

Applicants' Response to the Rejections under 35 U.S.C. § 112

Claims 22 and 23 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. These claims have been canceled without prejudice and, therefore, these rejections should be withdrawn.

Applicants' Response to the Rejections under 35 U.S.C. § 102(b)

Claims 1-26 and 29-54 were rejected under 35 U.S.C. § 102(b) as being anticipated by Inoue. Applicants submit that Inoue does not show or suggest applicants' feature of "determining predicted time change information associated with the program, wherein the predicted time change information is based on previous programs," as set forth in claims 1 and 29. In Inoue, a change in a scheduled program's actual broadcasted time is provided to the recording device by information included in Inoue's "service

"additional information" feature. See Inoue, e.g., col. 1, lines 22-30 and col. 9, lines 1-62. The Office Action contends that the "service additional information" feature includes a predicted time delay because the service additional information is received prior to the broadcast of the program and the broadcast can be delayed up until the actual broadcast. See Office Action, page 3, paragraph no. 11.

Applicants respectfully disagree and submit that these statements in the Office Action are contradictory. More specifically, the Office Action states that information provided for an actual change in broadcast time is also a predicted time change. But a change in broadcast time can only be either actual or predicted, and cannot be both. Predicting a time change means that the time a program will start is calculated and established to a certain level of confidence (e.g., a system is 80% certain that a program is delayed by 20 minutes). With a predicted time change, the actual time a program will start is unknown. Inoue only refers to the actual broadcast time. By stating that the "broadcast can be further delayed up until the actual broadcast time," the Office Action interprets Inoue's "service additional information" as including actual time delay information. Applicants submit, therefore, that applicants' approach is patentable for at least the reason that claims 1 and 29 recite predicted time change information, not actual time change information.

Applicants also submit that Inoue is silent about how any of the information included in the "service additional information" is determined. More specifically, Inoue is silent about how the change in broadcasting time for a scheduled program is determined. Applicants' approach requires the determination of predicted time changes based on

previous programs. For at least the reason that Inoue does not show or suggest how the information related to the time change is determined, Inoue cannot anticipate applicants' invention as recited by independent claims 1 and 29.

Accordingly, the rejections of claims 1 and 29 under 35 U.S.C. § 102(b) as being anticipated by Inoue should be withdrawn.

Claims 2, 5-7, 10-17, 24-26, 30, 33-35, 38-45 and 52-54 depend from one of allowable claims 1 and 29. Accordingly, the rejections of dependent claims 2, 5-7, 10-17, 24-26, 30, 33-35, 38-45 and 52-54 should be withdrawn as well.

Applicants' Response to the Rejections under 35 U.S.C. § 103(a)

Claims 27-28 and 55-56 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Inoue. These claims depend from independent claims 1 and 29, respectively, which are patentable over Inoue. Accordingly, the rejection of claims 27-28 and 55-56 should be withdrawn.

New Claims 57 and 58 are Allowable

New claims 57 and 58 depend from independent claims 1 and 29, respectively, which are patentable over Inoue. Accordingly, claims 57 and 58 are also patentable over Inoue.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration in light of the foregoing remarks and a favorable action are respectfully requested.

Respectfully submitted,



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